

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

JOAN LINTON, et al.,)
Plaintiffs,) Case No. 4:12-cv-00960-AGF
v.) Judge Audrey G. Fleissig
OWENS-ILLINOIS, INC., et al.,)
Defendants.)

MOTION FOR LEAVE TO AMEND COMPLAINT

COMES NOW Plaintiffs, by counsel, pursuant to Rule 55.33(a) of the Missouri Rules of Civil Procedure, and hereby moves this Court for leave to amend the above-captioned Complaint. In support thereof, Plaintiffs state as follows:

1. Plaintiffs filed their Second Amended Complaint on March 29, 2013, identifying numerous additional parties and products.
2. As a result of Plaintiffs Second Amended Complaint, several defendants have filed motions to dismiss pursuant to *Fed. R. Civ. P. 12(b)(6)* and/or in the alternative, *Fed. R. Civ. P. 12(e)*.
3. Based upon the foregoing, Plaintiffs believe that further clarification of the types of products and the facts surrounding Plaintiffs exposure and use of those products is necessary.
4. Furthermore, Plaintiff has resolved their claims against certain Defendants and have dismissed these Defendants from the suit: XEROX CORPORATION.

Plaintiffs respectfully request this Court grant leave to file their Third Amended Complaint to further define the types of products Plaintiff was exposed to, clarify the facts surrounding Plaintiffs exposure and use of those products and to release certain Defendants. (Plaintiff's Third Amended Complaint is attached hereto as Exhibit A.)

Dated: 05/30/13

Respectfully submitted,

SIMON GREENSTONE PANATIER BARTLETT

By: /s/ Amy M. Carter

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

JOAN LINTON, SHARON LINTON, JAMES)
LINTON, FRANKLIN LINTON III, DIRK)
LINTON, DANIEL LINTON, CHRISTINA)
LYNN, JASON LINTON, and MICHELLE)
MESERAULL, as surviving heirs of)
FRANKLIN LINTON, JR., Deceased,) Case No. 4:12-cv-00960-AGF
)
Plaintiffs,) Judge Audrey G. Fleissig
)
v.)
)
OWENS-ILLINOIS, INC., et al.,)
)
Defendants.)

CERTIFICATE OF SERVICE

I, Amy M. Carter, hereby certify that on the 30th day of May, 2013, *Plaintiffs' Motion for Leave to Amend Complaint* was filed with the Clerk of the Court using the CM/ECF system, which will send electronic notification to the following parties:

/s/ Amy M. Carter
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